

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reissue application of:	§	Attorney Docket No.
BRYAN et al.	§	31132.189 / PC904.08
	§	
Application No.: 10/713,837	§	Customer No. 46333
	§	
Filed: November 14, 2003	§	Group Art Unit: 3774
	§	
For: HUMAN SPINAL DISC	§	Examiner: Stewart, Alvin J.
PROSTHESIS	§	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION OF OCTOBER 8, 2010

Claims 4-8, 30, 31, 33-35, and 37 are allowed in the application. Claims 9 and 13 stand rejected for double patenting only.

Nonstatutory Double Patenting Rejection

The Office Action provisionally rejects claims 9 and 13 on the grounds of nonstatutory obviousness-type double patenting in view of claims 1, 36, 38, 39, and 42 of copending Application No. 09/776,394. With this paper, Applicants are submitting a terminal disclaimer and the associated fee. Accordingly, Applicants respectfully request that the provisional rejection be withdrawn.

Reissue Oath/Declaration

In a telephone discussion with the Examiner on January 7, 2011, the Examiner indicated that a new Supplemental Oath or Declaration was not required. Accordingly, Applicants respectfully request that the Office issue a Notice of Allowance.

Conclusion

As a result of the foregoing, it is respectfully asserted that the application is in condition to be reissued. If the Examiner believes a telephone conversation would be useful for advancing prosecution of this application, he is invited to telephone the undersigned at 972-739-6969.

No additional fees, including extension of time fees, are believed necessary for consideration of the present paper. If any fees, including claim fees and extension of time fees, are necessary for the proper submission of this paper, the extension of time is hereby requested, and the Commissioner is hereby authorized to charge any fees, including claim fees and those for the extension of time, to Haynes and Boone, LLP's Deposit Account No. 08-1394.

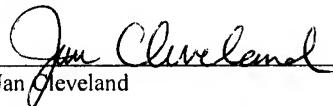
Respectfully submitted,



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Dated: January 7, 2011

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Client Matter No.: PC 904.08
Document No.: R-264049_1.DOC

Certificate of Service
I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on <u>January 7, 2011</u>
 Jan Cleveland

Attachment: Terminal Disclaimer